

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TENNESSEE CVS PHARMACY, LLC,)
)
Plaintiff,)
)
v.) No. 3:15-CV-84-TAV-HBG
)
RICARDO ESPINOSA, individually, and)
CLUB RIO PROMOTIONS, L.L.C.,)
)
Defendants.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Defendants' First Motion to Compel [Doc. 26], filed on November 23, 2016. The Defendants request that the Court compel the Plaintiff to answer the discovery served on October 10, 2016. The Defendants explain that the Plaintiff has failed to answer any of the Interrogatories and that on November 16, 2016, the Defendants wrote to the Plaintiff inquiring as to when the outstanding discovery would be answered and submitted. The Defendants state that they have not received any response from the Plaintiff. The Defendants certify that they have attempted in good faith to resolve the issue prior to seeking judicial intervention in this matter and that they have filed the instant Motion in compliance with the Scheduling Order.

Section 3(j) of the Scheduling Order [Doc. 16] requires parties to take certain steps before filing motions regarding discovery disputes. First, the parties are to meet and confer in an attempt to resolve the dispute. If the parties cannot resolve the dispute, they shall attempt to

resolve the dispute by conference with the Magistrate Judge. The Scheduling Order provides that “[i]f and only if, the parties’ dispute is unresolved following the conference with the Magistrate Judge, the parties may file appropriate written motions with the Court . . .” Finally, “[a]ny written motions regarding discovery shall include a certification of compliance with steps one (1) and (2) . . .”

The Court finds that the Defendants did not follow the procedure outlined in the Scheduling Order. Accordingly, the Court finds the Defendants’ First Motion to Compel [Doc. 26] not well-taken, and it is **DENIED**.

IT IS SO ORDERED.

ENTER:



United States Magistrate Judge